



SURFACE WATER PERMITTING RULES

Draft Amendments to 20.6.2 NMAC
Public Review Draft

Public Comment Period: August 29 – October 28, 2025

The New Mexico Environment Department is holding a 60-day public comment period on this document. Please see the preamble for information on submitting comments.

New Mexico Environment Department – Surface Water Quality Bureau
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20.6.2 NMAC – Ground and Surface Water Protection: Surface Water Permitting Regulations

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Preamble

NMED is developing a new State Permitting Program to protect the water quality of New Mexico's surface waters.

Rivers, streams, lakes, wetlands, and other surface waters sustain the state's culture, economy, and natural ecosystems. Governor Lujan Grisham and the state legislature have directed the New Mexico Environment Department (NMED) to create a state permitting program to protect surface waters from pollution.

Currently, New Mexico relies on the U.S. Environmental Protection Agency in Dallas to administer and enforce water protections in New Mexico. New Mexico is seeking to obtain primacy and gain control over its permitting program to protect waters as it deems fit. Senate Bill 21 (SB21) was passed in the 2025 Regular Legislative Session and signed into law by Governor Lujan Grisham on April 8, 2025. SB21 gives authority to the New Mexico Environment Department to administer and enforce a permitting program to regulate discharges of pollutants into our rivers, streams, lakes, and wetlands.

NMED is proposing amendments to 20.6.2 NMAC to create a new state surface water permitting program that controls the discharge of pollutants, including dredged and fill materials, into surface waters of the state under the authority of the New Mexico Water Quality Act. The program will not apply to discharges to tribal waters, but NMED will be responsive to tribal concerns and ensure that permitted discharges do not adversely affect tribal water quality programs.

Deleted materials are indicated by strikethrough, and new text are indicated by underlined blue font. Only the portions of the rule (sections, subsections, paragraphs, etc.) with draft amendments (i.e., changes) are provided below, unless needed for context and clarity of scope.

Comments may be submitted via email at swq.spp@env.nm.gov or the Department's public comment portal (<https://nmed.commentinput.com/comment/search>) through October 28, 2025. More information about the State Surface Water Permitting Program may be found at <https://www.env.nm.gov/surface-water-quality/spp/>.